

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 36188 of 1998

Between:

M.Irmaiah S/o.late Anakaiah, aged about 39 years,
Sweeper, BS & VKR Memorial Junior College,
Nuthalapadu, Prakasham District.

..... PETITIONER

AND

1) State of Andhra Pradesh, rep.by its

Secretary, Education Department, Secretariat,
Hyderabad.

2) Commissioner and Director of Intermediate Education,
Andhra Pradesh, Hyderabad.

3) Bathula Subbamma & Venkata Krishna Reddy

Memorial Junior College (BS & VKRM) Nuthalapadu,
Prakasham District, rep.by its Secretary and
Correspondent.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ or order or direction especially one in the nature of Mandamus, declaring the action of the authorities in not paying the salaries due to the petitioner from May,1998 as illegal, arbitrary and offends Articles 14,16 and 21 of the Constitution of India; and that the petitioner is entitled for absorption into service in an aided post from 01.02.1992 or at least from 7.10.1994; direct the respondents to regularize the service of the petitioner as Class-IV employee in the 3rd respondent college w.e.f

01.02.1992 and grant all consequential benefits such as, salary, emoluments and arrears of pay.

Counsel for the Petitioner:MR.V.JOGAIAH SARMA

Counsel for the Respondents:GP FOR SCHOOL EDUCATION

The Court made the following :

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ORDER:

The learned counsel for the petitioner submits that an identical writ petition, being Writ Petition No.36187 of 1998, was disposed of by a learned single Judge of this Court on 26.12.2003, and in fact the present writ petition was also sought to be disposed of along with that writ petition, and as the matter was not posted for hearing along with the said writ petition, it was not disposed of.

Perused the affidavit filed in support of this writ petition and also the orders passed in W.P.No.36187 of 1998. The plea of the petitioner herein and in the above writ petition is almost similar. The respondents filed a counter affidavit stating that the orders issued earlier under G.O.Ms.No.362, Education, dated 7.10.1994, are not applicable to the petitioner and the petitioner is entitled for regularization of his services as per the scheme announced under G.O.Ms.No.212, Finance and Planning (FW.PC.III) Department, dated 22.04.1994, and therefore, the Court may direct the petitioner to approach the respondents for regularization of his services. In view of the above, I am of the opinion that this writ petition can also be disposed of in terms of the order passed in Writ Petition No.36187 of 1998.

The Writ Petition is accordingly disposed of. No costs.

29th July, 2004

pan/isn

ASST.REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1) The Secretary, Education Department,
Government of Andhra Pradesh, Secretariat,
Hyderabad.
- 2) The Commissioner and Director of Intermediate Education,
Andhra Pradesh, Hyderabad.
- 3) The Secretary & Correspondent,
Bathula Subbamma & Venkata Krishna Reddy
Memorial Junior College (BS & VKRM) Nuthalapadu,
Prakasham District.
- 4) Two CCs to G.P.for School Education,
High Court buildings, Hyderabad .
- 5) Two CD copies.